

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAMS SARRANO,	:	
Plaintiff	:	
	:	CIVIL ACTION NO. 3:17-2398
v.	:	
	:	(JUDGE MANNION)
CITY OF SCRANTON, <i>et al.</i>	:	
Defendants	:	

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS HEREBY ORDERED THAT:**

1. The defendants' motion for summary judgment, **(Doc. 17)**, with respect to Counts I-III of the plaintiff's complaint, **(Doc. 1)**, is **GRANTED IN PART** and **DENIED IN PART**.
2. The defendants' motion for summary judgment regarding plaintiff's excessive force claim under the 4th Amendment in Count I against Officer Griffiths, in his individual capacity, is **DENIED**.
3. The plaintiff's federal claim in Count I under §1983 against Officer Griffiths in his official capacity is **DISMISSED WITH PREJUDICE**.
4. The plaintiff's claim in Count I under §1983 to the extent that it is brought under the 8th Amendment and the 14th Amendment, as stand alone claims, are **DISMISSED WITH PREJUDICE**.
5. The plaintiff's claims for punitive damages against the City of Scranton and against Officer Griffiths, in his official capacity, are

DISMISSED WITH PREJUDICE.

6. The defendants' motion for summary judgment with respect to the plaintiff's claims for punitive damages against Officer Griffiths, in his individual capacity, in Counts I-III is **DENIED**.
7. The defendants' motion for summary judgment with respect to their contention that Griffiths is entitled to qualified immunity as to plaintiff's 4th Amendment excessive force claim is **DENIED**.
8. The defendants' motion for summary judgment with respect to plaintiff's state law tort claims for assault and battery, Counts II and III, against Griffiths is **DENIED**.
9. The defendants' motion for summary judgment with respect to the plaintiff's *Monell* claim against the City in Count I is **GRANTED**, and **JUDGMENT** is entered in favor of the City and against the plaintiff regarding this claim. Further, the City is **TERMINATED** as a defendant in this case.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

DATED: February 5, 2019

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